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March 3, 2025

VIA ECF

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Charlie Javice and Olivier Amar, 23 Cr. 251 (AKH)

Dear Judge Hellerstein:

Charlie Javice respectfully requests a limited recross examination of Leslie Wims Morris. Specifically, Ms. Javice requests the opportunity to recall Ms. Wims Morris to elicit testimony on the following topics.

- ***Ms. Wims Morris testified during Mr. Amar's counsel's cross examination that Ms. Javice requested Mr. Amar be removed as a key employee after he corrected previously reported data.*** During his cross examination of Ms. Wims Morris, co-defendant Olivier Amar elicited testimony directly inculcating Ms. Javice. Specifically, that Mr. Amar was responsible for correcting incorrectly reported data and as a result, Ms. Javice "did not want Mr. Amar to be included as a key employee as part of the deal" with JPMC. 02/27/2025 Trial Tr. 746:16-754:6. This was admitted over Ms. Javice's counsel's objections. 02/27/2025 Trial Tr. 746:16-754:6.
- ***Ms. Wims Morris was prevented from testifying about issues related to falsity and materiality.*** During Ms. Wims Morris's cross-examination, defense counsel was prevented from fully questioning Ms. Wims Morris about JPMC's contract provisions, the existence of a seller's market, goodwill, and Ms. Wims Morris's awareness of Frank's website. 02/27/2025 Trial Tr. 670:14-676:3; 687:9-20; 688:22-689:3; 690:16-18. Ms. Wims Morris testified on direct examination that

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JPMC would not have pursued the deal if it could not market to Frank's customers. 02/27/2025 Trial Tr. 606:12-607:1-9. These topics thus are directly relevant to falsity and materiality of the alleged misrepresentations and were properly within the scope of cross-examination.

Ms. Javice is entitled to meaningfully challenge these assertions on recross-examination to protect her Fifth and Sixth Amendment rights. *Maryland v. Craig*, 497 U.S. 836, 845 (1990). As such, Ms. Javice respectfully requests the opportunity to conduct recross-examination of Ms. Wims Morris to secure her rights to confront witnesses against her and to a fair trial.

Respectfully submitted,

/s/ Kirsten R. Nelson

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cc: All Counsel of Record